

MAYER BROWN LLP
ANDREW JOHN PINCUS (*Pro Hac Vice*)
apincus@mayerbrown.com
1999 K Street, NW
Washington, DC 20006
Tel: (202) 263-3220 / Fax (202) 263-3300

MAYER BROWN LLP
LEE H. RUBIN (SBN 141331)
lrubin@mayerbrown.com
DONALD M. FALK (SBN 150256)
dfalk@mayerbrown.com
SAMANTHA C. BOOTH (SBN 298852)
sbooth@mayerbrown.com
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112
Tel: (650) 331-2000 / Fax (650) 331-2060

Attorneys for Plaintiff Twitter, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TWITTER, INC.,

Plaintiff,

v.

WILLIAM P. BARR, Attorney General of the
United States, *et al.*,

Defendants.

Case No. 14-cv-4480-YGR

**PLAINTIFF TWITTER'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL EXHIBITS 6–10 OF THE
RUBIN DECLARATION IN SUPPORT
OF TWITTER'S OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT; AND IN
SUPPORT OF (1) ITS CROSS-MOTION
FOR SUMMARY JUDGMENT & (2)
ITS RENEWED MOTION FOR
ACCESS TO CLASSIFIED
MATERIALS**

Pursuant to Northern District of California Local Civil Rules 7-11 and 79-5(e), Plaintiff Twitter, Inc. (“Twitter”) respectfully requests that the Court order sealed the following exhibits to the Declaration of Lee H. Rubin submitted in support of Twitter’s Opposition to Defendants’ Motion for Summary Judgment; and in support of (1) its Cross-Motion for Summary Judgment & (2) its Renewed Motion for Access to Classified Materials (the “Designated Material”):

- Exhibit 6;
- Exhibit 7;
- Exhibit 8;
- Exhibit 9; and
- Exhibit 10.

The Designated Material contains information Defendants have designated as “CONFIDENTIAL” pursuant to the Stipulated Protective Order entered in this case on March 27, 2017. Dkt. No. 170; Declaration of Lee Rubin in support of Twitter’s Administrative Motion to Seal (“Rubin Sealing Decl.”), ¶ 2. In accordance with that protective order and Local Civil Rules 79-5(d) and (e), Twitter hereby moves to seal the Designated Material. Twitter takes no position on the propriety of Defendants’ privilege designations. Rather, as required by Local Rule 79-5(e), Defendants will provide the basis for this sealing request via a separate filing.

WHEREFORE, Twitter respectfully submits this administrative motion and hereby notifies Defendants of their burden to establish the Designated Material as sealable.

Dated: October 25, 2019

MAYER BROWN LLP

/s/ Lee H. Rubin

LEE H. RUBIN

Attorneys for Plaintiff Twitter, Inc.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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TWITTER, INC.,

Plaintiff,

v.

WILLIAM P. BARR, Attorney General of the
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Defendants.

Case No. 14-cv-4480-YGR

**DECLARATION OF LEE H. RUBIN IN
SUPPORT OF PLAINTIFF TWITTER'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL EXHIBITS 6-10 OF THE
RUBIN DECLARATION IN SUPPORT
OF TWITTER'S OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT; AND IN
SUPPORT OF (1) ITS CROSS-MOTION
FOR SUMMARY JUDGMENT & (2)
ITS RENEWED MOTION FOR
ACCESS TO CLASSIFIED
MATERIALS**

1 I, Lee H. Rubin, declare as follows:

2 1. I am an attorney with the law firm of Mayer Brown LLP and lead counsel to
3 Plaintiff Twitter, Inc. (“Twitter”) in the above-captioned matter. I submit this declaration in support
4 of Twitter’s Administrative Motion to File Under Seal Exhibits 6–10 to the Declaration of Lee H.
5 Rubin in support of Twitter’s Opposition to Defendants’ Motion for Summary Judgment; and in
6 support of (1) its Cross-Motion for Summary Judgment & (2) its Renewed Motion for Access to
7 Classified Materials, filed concurrently herewith. I have personal knowledge of the facts stated in
8 this declaration and, if called as a witness, I could and would competently testify to the same.

9 2. Specifically, Twitter requests to seal in their entirety Exhibits 6–10 to the
10 Declaration of Lee H. Rubin submitted in support of Twitter’s Opposition to Defendants’ Motion
11 for Summary Judgment, and in support of (1) its Cross-Motion for Summary Judgment and (2) its
12 Renewed Motion for Access to Classified Materials (the “Designated Material”).

13 3. The Designated Material contains information Defendants have designated as
14 “CONFIDENTIAL” pursuant to the Stipulated Protective Order entered in this case on March 27,
15 2017, as Dkt. No. 170.

16 4. Twitter takes no position on the propriety of Defendants’ confidentiality
17 designations, but files the Designated Material under seal in a good faith effort to comply with the
18 parties’ Stipulated Protective Order and the Civil Local Rules.

19 I declare under penalty of perjury under the laws of the United States that the foregoing is
20 true and correct.

21 Executed on October 25, 2019 in Palo Alto, California.

22
23
24 /s/ Lee H. Rubin
Lee H. Rubin

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UNITED STATES DISTRICT COURT
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Defendants.

Case No. 14-cv-4480-YGR

**[PROPOSED] ORDER GRANTING
PLAINTIFF TWITTER'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL EXHIBITS 6-10 OF THE
RUBIN DECLARATION IN SUPPORT
OF TWITTER'S OPPOSITION TO
DEFENDANTS' MOTION FOR
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SUPPORT OF (1) ITS CROSS-MOTION
FOR SUMMARY JUDGMENT & (2)
ITS RENEWED MOTION FOR
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MATERIALS**

The Court having considered Plaintiff Twitter, Inc.'s Administrative Motion to File Under Seal Exhibits 6–10 of the Rubin Declaration in support of Twitter's Opposition to Defendants' Motion for Summary Judgment and in support of its Cross-Motion ("Administrative Motion"), and having received Defendants' responsive declaration as required by Civil Local Rule 79-5(e)(1), IT IS HEREBY ORDERED THAT the Administrative Motion is **GRANTED**.

THE COURT HEREBY ORDERS that the following exhibits filed entirely under seal shall remain under seal:

Document or Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Order
Exhibit 6	Rubin Declaration ¶ 3	
Exhibit 7	Rubin Declaration ¶ 3	
Exhibit 8	Rubin Declaration ¶ 3	
Exhibit 9	Rubin Declaration ¶ 3	
Exhibit 10	Rubin Declaration ¶ 3	

IT IS SO ORDERED.

Dated: _____

The Hon. Yvonne Gonzalez Rogers
United States District Judge